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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/538,526

Filing Date: December 12, 2005

Appellant(s): FAHRBACH ET AL.

Jong Lee
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/26/2008 appealing from the Office action mailed 6/13/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,700,823	Rahman et al.	3-2004
6,853,213	Funaba	2-2005
6,324,044	Teggatz et al.	11-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 7-8, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Rahman et al. (U.S. Pat. 6,700,823).

Regarding claim 7, Rahman discloses a first terminating resistor (108 @ Fig. 1) and a second terminating resistor (110) between the two wires (106) of the two-wire line, where the first (108) and second (110) terminating transistors are connected in series (Fig. 1); and at least one switching arrangement (switches 112) provided between the first and second terminating resistors (Fig. 1; switches 12 are between resistors 108 and 110), where the at last one switching arrangement is configured to selectively individually separate each of the first and second terminating resistors from the two-wire line (col. 3, lines 5-6).

Regarding claim 8, Rahman discloses where switching logic for triggering the at least one switching arrangement as a function of an input signal (col. 3, lines 6-9).

Regarding claim 13, Rahman discloses where at least one switching arrangement (112) comprises a first switching arrangement (112) to selectively separate the first terminating resistor (108) from the two-wire line (106) and a second switching arrangement (112) to selectively separate the second terminating resistor (110) from the two wire line (106).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 11, is rejected under 35 U.S.C. 103(a) as being unpatentable over Rahman et al. (U.S. Pat. 6,700,823) in view of Funaba (U.S. Pat. 6,853,213).

Regarding claim 11, Rahman discloses that of claim 8, but fails to teach the switching arrangement input signal generated by an arithmetic function block.

Funaba discloses in Input/Output circuit, Reference-Voltage Generator, and Semiconductor IC, where input to switching and termination circuit (15 @ Fig. 2) is generated by arithmetic control circuitry (20), therefore it would have been obvious to one of ordinary skill in the art at the time of invention to use the termination circuitry disclosed by Rahman and the arithmetic control taught by Funaba for accelerated switching and accurate signal termination of a input/output circuit.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rahman et al. (U.S. Pat. 6,700,823) in view of Teggatz et al. (US 6,324,044).

Regarding claim 12, Rahman discloses the input output circuit of claim 7, but fails to disclose the differential signals as lines of a CAN bus.

Teggatz discloses in Driver for Controller Area Network, differential CAN bus signals (CAN-H & CAN-L @ Fig. 3), therefore it would have been obvious to one of ordinary skill in the art at the time on invention to use the termination circuitry disclosed by Yang with the CAN bus taught by Teggatz for its high speed performance and signal integrity.

(10) Response to Argument

I. Regarding appellants arguments with respect to the prior art reference of Rahman the Examiner respectfully disagrees with the appellants arguments, that the reference does not disclose selectively individually separate each of the terminating resistors, for the following reasons:

First, the Examiner respectfully disagrees with the appellants statement that the Examiner is mischaracterizing the reference, and the Examiner strongly disagrees with the appellants arguments.

Regarding the argument stating that "the Examiner contentions [in the Office Action] simply do not negate the Applicants arguments", it is respectfully pointed out that the Examiner answered the appellants arguments and disclosed exactly the

position the Examiner was taking with respect to the Rahman reference. Additionally the appellant has provided no support, argument, or description of how the Examiners response does not negate the appellant's arguments.

Second, the appellant argues that the Examiner is ignoring the words of Rahman, again the Examiner respectfully disagrees. Rahman states specifically that there are switches (112) disclosed in Figure 2. The word switches being plural discloses that there has to be more than one of them present as disclosed (Fig. 2) between the resistors. The reference discloses that "for example, the switches 112 may be programmable switches by using a transistor controlled by a memory cell output signal or another control signal (not shown)". Again the reference states that as an example there are a plural number of switches, and again as an example that a single switch can be represented by a single transistor. If a single switch is represented by a single transistor then to have plural switches then there has to be more than one transistor. If there are two switches it is understood that there would have to be two transistors. Furthermore if the control signal of a transistor represent by a switch can be that of a memory cell output signal or other control signal that it is also understood that two transistors representing two switches could then be controlled by two different control signals.

II. The Examiner does not agree with the appellants statements, specifically "the plain meaning of which is that both switches 112 are controlled by a signal transistor".

The Examiner does not see how that statement is at all suggested or even remotely disclosed by the Rahman reference.

First, the Appellant has only taken part of the disclosure in an attempt to deflect the actual meaning. Case and point the Appellant has stated that ""switches 112 may be programmable switches by using a single transistor", the plain meaning of which statement is that both switches 112 are controlled by a single transistor". The appellant's interpretation of this statement is that the switches are controlled by a transistor. If one of skill in the art looked at the Rahman reference the statement says "For example, switches 112 may be programmable switches by using a transistor controlled by a memory output signal or other control signal". This disclosure in no way states that the switches 112 are controlled by a transistor, additionally one of skill in the art would understand that the Rahman reference is referring to the switches being physically represented by transistors and if there are a plurality of switches (in this case two) then there has to be a plurality of transistors to represent those switches and each transistor is then controlled with some form of control signal (memory cell output signal or other control signal). There is absolutely nothing in the reference stating that both switches 112 are controlled with one single control signal or a single transistor. Additionally the Examiner does not know how the appellant came to the determination from the disclosure that the switches were controlled with a transistor.

Furthermore, despite the fact that the Rahman reference shows two switches 112, and discloses that the switches can be [for example] a transistor controlled via some control signal [memory cell output signal or other control signal] the appellant

argues that the switches 112 are used to connect or disconnect resistors 108 and 110 across lines 106. The appellant states that this does not disclose that of claim 1 in "selectively individually separating each of the first and second terminating resistors from the two wire line". As stated by the Examiner the switches plural require a plural number of transistors (1 transistor per switch, there are two switches disclosed in Fig. 2) and each transistor is controlled by a control signal. The reference does not state that the same control signal is used for both switches [transistors]. Therefore, two switches coupled between the two terminating resistors (of Rahman Fig. 2) can selectively (via control signals) individually separate (disconnect the resistors from via separate control signals) the first and second terminating resistors from the two wire line terminal. The Examiner believes this reference reads on the claims.

Finally, the Examiner has shows that the Rahman reference states that there are a plural number of switches where each switch can be represented with a single transistor, meaning that in the case of Fig. 2 there would be two transistors to represent the switches disclosed between the terminating resistors. The Rahman references disclosed that each transistor has a control signal [being some output or control signal] which does not equate to the plural number of transistors having the same control signal and operating simultaneously as suggested by the appellant. The Rahman reference clearly discloses two switches and states that each transistor (physical representation of a switch) can be controlled, which would make the control individual to each transistor.

III. Regarding the arguments directed towards claims 11 and 12 which were rejected under 35 USC 103(a) the appellant relies on the arguments against the prior art reference of Rahman and independent claim 7. The Examiner still respectfully disagrees with the appellants arguments.

IV. In summary, the prior art reference of Rahman discloses two switches, where the switches can be represented by a transistor for each switch device. Each of the transistors (one transistor for each switch) are controlled at their respective gate terminal by some control signal or memory output signal to selectively operate the transistor (open or closed) in order to individually separate (separate control signals for each switch) each of the two terminating resistors from the two wire line terminal.

The reference of Rahman does not disclosed that two switches can be represented by a single transistors or that two switches are controlled with the same control signal as alleged by the appellant.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Dylan White/

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Examiner, Art Unit 2819

Conferees:

/Darren Schuberg/

TQAS TC 2800

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Supervisory Patent Examiner, Art Unit 2819

03/16/09